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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Anund Pihstrom

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EXAMINER

DARJI, PRITESH D

ART UNIT

PAPER NUMBER

4181

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,764	Applicant(s) PIHSTROM, ANUND	
	Examiner PRITESH DARJI	Art Unit 4181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 1, 3-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities “characterized in that” in line 2. Using of “comprising of” is encouraged. Appropriate correction is required.
2. Claims 3 and 4 are objected to under 37 CFR 1.75(c) as not referring to other claim in alternate only. See MPEP § 608.01(n). Accordingly, the claims 3 and 4 are not been further treated on the merits.
3. Claims 4-8 are objected to under 37 CFR 1.75 (c) as being in improper forms because a multiple dependent claims 4-8 can not depend on other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claim 4-8 not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. The claims 1 and 2 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examples are: “absorbent containing among other” in line 1 of claim 1 and

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other example is "than there width" in line 4 of claim 1. Example in claim 2 is "the wood **species** known as pine" in line 2.

6. Regarding claim 1, the phrase : "among other ingredients" is indefinite because the examiner is unclear as to the metes and bounds of the other ingredients.

7. Regarding claim 2, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamlen et al. (US 5154594) in view of Litzinger et al.(US 4311115) and further evidenced by Orav et al.

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Regarding claims 1 and 2, Gamlen et al. teaches a composition comprising an absorptive material (abstract), wherein the composition further includes the use of pine needles (See column 4, lines 38-40).

Gamlen doesn't expressly (1) that the absorptive material is bark and (2) that pine needle contain elements of bornyl acetate, cadinene and limonene.

With respect to (1), Litzinger et al. discloses that bark is an absorbent material (column 1, lines 12-13) and thus one skilled in the art would have been motivated to use any known absorbent material as the absorbent material in the teachings of the primary reference especially since claim 1 of the primary reference does not limit the absorbent material to a particular kind. In addition, from the secondary reference it is known that absorptive substances include both bark and clay (i.e. functional equivalent absorptive materials), thus since the primary reference teaches the use of clay as the absorptive, in a preferred embodiment, it is the examiners position that the substitution of one functionally equivalent absorptive material for another is clearly within the scope of the skilled artisan.

With respect to (2) above, the analysis of conifer needles (pine needles) sets forth that pine needles contain bornyl acetate (line 30), cadinene (lines 49-50) and limonene (line 18) in table 1. In view of this, although the primary reference is silent as to the analysis of pine needles, pine needles are known to include the claims substances, as evidenced by Orav et al., thus it is the examiners position that the pine needles disclosed by the primary reference will also contain these substances absent evidence to the contrary.

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Regarding the limitation of length being ten times greater than width, it would be very common for pine needles to possess that characteristic. Examiner has attached a picture of common pine needle to provide further knowledge.

Regarding the limitation “oil absorbent”, applicants are claiming a “oil and gas absorbent” which the intended use does not carry any weight to the composition **(see *In re Thuau* 57 USPQ 324 (CCPA 1942))**. Any material possesses a property such that it may be used for a purpose. In addition, irrespective of what the material is called, the composition.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRITESH DARJI whose telephone number is (571)270-5855. The examiner can normally be reached on Monday to Thursday 8:00AM EST to 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL MARCHESCHI/
Primary Examiner, Art Unit 1793

PD